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A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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February 5, 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

OUR FILE NO.  
25065.75182

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**BY MESSENGER**

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: CC Docket No. 91-142

Dear Ms. Salas:

On behalf of Thomas Domencich, the Committee for a Fair Lottery, Applicants Against Lottery Abuse, Cellular Applicants' Coalition, Miller Communications, Inc., Skywave Partners, Inc., Buckhead Cellular Communications Partnership, and ZDT Partnership (collectively, the "Petitioners"), we submit herewith an original and fourteen (14) copies of Petitioners' Request for Dismissal of Pleadings in CC Docket No. 91-142.

Should there be any questions concerning this submission, please contact the undersigned counsel for Thomas Domencich and the Committee for a Fair Lottery.

Very truly yours,



E. Ashton Johnston

for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**FEB - 5 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In re Applications of	)	CC DOCKET NO. 91-142
	)	
CRANFORD CELLULAR COMMUNICATIONS	)	File No. 10611-CL-P-311-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 311, Alabama 5-Cleburne	)	
	)	
FLORIDA CELLULAR	)	File No. 10445-CL-P-505-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 505, Missouri 2-Harrison	)	
	)	
A-1 CELLULAR COMMUNICATIONS	)	File No. 10454-CL-P-514-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 514, Missouri 11-Moniteau	)	
	)	
CEL-TEL COMMUNICATIONS	)	File No. 10912-CL-P-589-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 589, Ohio 5-Hancock	)	
	)	
EJM CELLULAR PARTNERS	)	File No. 10567-CL-P-596-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 596, Oklahoma 1-Cimarron	)	
	)	
EJM CELLULAR PARTNERS	)	File No. 10116-CL-P-721-A-89
	)	
For facilities in the Domestic Public Cellular	)	
Telecommunications Radio Service on Frequency	)	
Block A, in Market 721, Wyoming 4-Niobrara	)	

To: The Commission

**REQUEST FOR DISMISSAL OF PLEADINGS**

Thomas Domencich, the Committee for a Fair Lottery ("CFL"), Applicants Against Lottery Abuse ("AALA"), Miller Communications, Inc. ("Miller"), Skywave Partners, Inc. ("Skywave"), Buckhead Cellular Communications Partnership ("Buckhead"), Cellular Applicants' Coalition ("CAC"), and ZDT Partnership ("ZDT") (collectively, the "Petitioners"), by their respective attorneys, hereby jointly submit this Request for Dismissal of Pleadings in the above-captioned proceeding (the "Consolidated Proceeding"). Specifically, the Petitioners are dismissing with prejudice the following pleadings filed jointly by them: (1) the Petition for Reconsideration filed July 3, 1997, seeking reconsideration of the Commission's decision to grant the above-captioned applications of A-1 Cellular Communications (Missouri 11 RSA), Cel-Tel Communications, Cranford Cellular Communications, EJM Cellular Partners, and Florida Cellular; and (2) the Consolidated Reply to Oppositions to Petition for Reconsideration filed by A-1 Cellular Communications, Cel-Tel Communications, Cranford Cellular Communications, and EJM Cellular Partners, and by Florida Cellular, filed July 28, 1997.

The Petitioners request dismissal of the above pleadings pursuant to various settlement agreements. Concurrently herewith, the parties to these settlements are submitting a "Joint Notice of Settlement Agreements and Request For Rulings" and Petitioners are submitting a separate "Joint Motion for Rulings Regarding Settlement


Agreements or, in the Alternative, for Approval and Partial Waiver". These submissions contain complete copies of the settlement agreements and declarations of the parties in support thereof.

The settlements contemplate that pleadings directed against the Petitioners also will be dismissed. Thus, the settlements contemplate the cessation of all litigation by and among the Petitioners and all of the above-captioned parties to the Consolidated Proceeding. Moreover, these settlements, in combination with settlements entered into between Petitioners and other parties to the Consolidated Proceeding, bring to an end all litigation between and among all parties to the Consolidated Proceeding.

Kindly refer any questions in connection with this request to the undersigned.

Respectfully submitted,

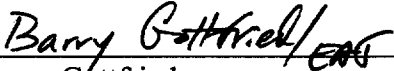
**Thomas Domencich**  
**Committee for a Fair Lottery**

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February 5, 1999

WDC-105500v3

## **CERTIFICATE OF SERVICE**

I, Shandila Collins, hereby certify that on this 5<sup>th</sup> day of February 1999, I caused true and correct copies of the foregoing "REQUEST FOR DISMISSAL OF PLEADINGS" to be delivered via U.S. first class mail, postage prepaid, addressed to the following parties of record in CC Docket No. 91-142:

Chairman William E. Kennard \*  
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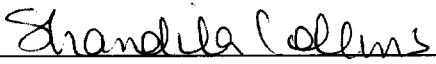
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**\* By Hand**

Courtesy copies of the foregoing "Request for Dismissal of Pleadings" also were sent via U.S. first class mail, postage prepaid, to A. Thomas Carroccio, Esq., Harry F. Cole, Esq. and William J. Franklin, Esq., who are not parties of record in CC Docket No. 91-142.

  
Shandila Collins